

REMARKS

Claims 1 to 34 are now pending.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

With respect to paragraph five (5) of the Office Action, claims 1 to 9, 13 to 19, 22 to 28, 32, and 33 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,402,394 (the "Turski" reference).

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

Claim 1 relates to a method for exchanging data between at least two stations. Claim 17 relates to a distributed bus system for exchanging data between at least two stations. Claim 18 relates to a memory arrangement for use with one of at least two stations that is connected to at least one other of the at least two stations to allow exchanging of data. Claim 19 relates to a computer program for running on a microprocessor of at least one of at least two stations connected to at least another of the at least two stations to allow for exchanging of data. Claims 1 and 17 to 19 each provide for a synchronizing that includes "determining, in . . . at least one of the at least two stations, [a] correction target value between a received time signal and [a] common global time base, sending the correction target value to other ones of the at least two stations . . . , and determining [a] correction value in the at least two stations . . . as a function of the correction target value."

Claim 15 relates to a communication system having at least two stations connected so that data can be exchanged between them, and provides an arrangement to synchronize that includes "a correction target value determining arrangement to determine, in . . . at least one of the at least two stations, [a] correction target value between a received time signal and [a] common global time base, a sending arrangement to send the correction target

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value to other ones of the at least two stations . . . , and a correction value determining arrangement to determine [a] correction value in the at least two stations . . . as a function of the correction target value.”

Nowhere does the “Turski” reference identically describe (or even suggest), the feature in which a correction value between a received time signal and a common global time base is determined by at least one of at least two stations, sending the correction value to other ones of the at least two stations. The Office Action refers to a synchronization object of the “Turski” reference as allegedly disclosing the recited “time signal.” The “Turski” reference refers to the synchronization of nodes by sending from one of the nodes to all of the other nodes the synchronization object. Each receiving node records a time of receipt of the object. The sending node records a time of transfer of the object. Each of the nodes then transmits to the other nodes its recorded time. Each of the nodes then compares its own recorded time with the recorded times the transmitting node or with the recorded times of the other receiving nodes. In accordance with this comparison, each of the nodes can calculate its time.

Accordingly, in the “Turski” reference, subsequent to the transmittal and/or receipt of the synchronization object, that which one of the nodes transmits to other ones of the nodes is (a) a time of receipt of the synchronization signal or (b) a time of transfer of the synchronization signal. The nodes do not transmit a determined correction target value *between a received signal and a common global time base*. Indeed, the “Turski” reference indicates the necessity of receipt of the synchronization object by each of the nodes at approximately the same time so that each node can compare its own receipt time with that of the other nodes. By contrast, such receipt of an object at the same time is not necessary for synchronization according to the features recited in claims 1, 15, and 17 to 19 because the correction target value between the received signal and the common global time base is determined by at least one of the stations and transmitted to the other ones of the stations.

Accordingly, the “Turski” reference does not identically describe (or even suggest) each feature of any of claims 1, 15, and 17 to 19 as presented, so that it does not anticipate any of claims 1, 15, and 17 to 19 as presented. Claims 2 to 9, 13, and 14 ultimately depend from claim 1 and are therefore allowable for the same reasons as claim 1 as presented. Claims 16, 22 to 28, 32, and 33 ultimately depend from claim 15 and are therefore allowable for the same reasons as claim 15 as presented.

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With respect to paragraph eighteen (18) of the Office Action, claims 11, 12, 30, and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over the “Turski” reference.

Claims 11 and 12 depend from claim 1 and are therefore allowable for the same reasons as claim 1. Claims 30 and 31 ultimately depend from claim 15 and are therefore allowable for the same reasons as claim 15.

With respect to paragraph twenty five (25) of the Office Action, claims 10 and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the “Turski” reference and U.S. Patent No. 4,980,857 (the “Walter et al.” reference).

Claim 10 ultimately depends from claim 1 and is therefore allowable for essentially the same reasons as claim 1, since any review of the secondary reference makes plain that it does not cure the critical deficiencies of the primary reference. Accordingly, claim 10 is allowable. Claim 29 ultimately depends from claim 15 and is therefore allowable for essentially the same reasons as claim 15, since any review of the secondary reference makes plain that it does not cure the critical deficiencies of the primary reference. Accordingly, claim 29 is allowable.

With respect to paragraph thirty (30) of the Office Action, claims 20, 21, and 34 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of the “Turski” reference and U.S. Patent No. 5,408,506 (the “Mincher et al.” reference).

Claims 20 and 21 depend from claim 19 and are therefore allowable for essentially the same reasons as claim 19, since any review of the secondary reference makes plain that it does not cure the critical deficiencies of the primary reference. Accordingly, claims 20 and 21 are allowable. Claim 34 depends from claim 18 and is therefore allowable for essentially the same reasons as claim 18, since any review of the secondary reference makes plain that it does not cure the critical deficiencies of the primary reference. Accordingly, claim 34 is allowable.

As further regards all of the obviousness rejections, to reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the

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claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Since the references relied upon do not disclose or even suggest all of the features of the rejected claims as explained above, it is respectfully submitted that these claims are allowable.

It is therefore respectfully requested that the obviousness rejections be withdrawn.

Accordingly, claims 1 to 34 are allowable.

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Conclusion

In view of the foregoing, it is respectfully submitted that all of claims 1 to 34 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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